

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 23-cr-31 (JNE/TNL)

Plaintiff,

v.

ORDER

Joe Lee Brown, Jr. (1),
Daniel Richard Kemp (2),
Rosco Demar Lewis (3), and
Heather Marie Thomas (4),

Defendants.

This matter comes before the Court on Defendant Daniel Richard Kemp’s Motion to Exclude Time Under the Speedy Trial Act, ECF No. 39. Defendant Kemp also filed a Statement of Reasons in Support of Motion to Exclude, ECF No. 40. Defendant Kemp requests a 60-day extension of the deadline for filing pretrial motions and the motions-hearing date. Defendant Kemp states that the investigation of this case “occurred over an extended period of time, and involved law enforcement efforts in California and northern Minnesota[,] including Duluth and Floodwood,” and the “case is factually complex, involving multiple search warrants, extensive phone records, informants and arrests.” ECF No. 39 at 1. Defendant Kemp notes that, due to his “previous felony record and the quantity of narcotics seized,” he is facing “potentially high guidelines” and needs additional time to consult with counsel. ECF No. 39 at 1-2. Counsel for Defendant Kemp has conferred with the Government, who has no objection to the requested extension, as well as counsel for

Defendants Joe Lee Brown, Jr., Rosco Demar Lewis, and Heather Marie Thomas, who join in the request.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendants in a speedy trial and such continuance is necessary to provide the parties and their respective counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Kemp's Motion to Exclude Time Under the Speedy Trial Act, ECF No. 39, is **GRANTED**.

2. The period of time from **March 6 through May 8, 2023**, shall be excluded from Speedy Trial Act computations in this case. *See United States v. Mallett*, 751 F.3d 907, 911 (8th Cir. 2014) ("Exclusions of time attributable to one defendant apply to all codefendants." (quotation omitted)); *United States v. Arrellano-Garcia*, 471 F.3d 897, 900 (8th Cir. 2006) (same).

3. The parties must disclose the identity of any expert witness and make all expert disclosures required by Federal Rule of Criminal Procedure 16 no later than 28 days before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than 14 days before trial.

4. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **May 8, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.

5. Counsel shall electronically file a letter on or before **May 8, 2023**, if no motions will be filed and there is no need for hearing.

6. All responses to motions shall be filed by **May 22, 2023**. D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses shall be filed by **May 22, 2023**. D. Minn. LR 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses shall be filed by **May 25, 2023**. D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required, the motions hearing, shall take place before the undersigned on **June 6, 2023, at 9:30 a.m.**, in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

11. **TRIAL:** The trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Joan N. Ericksen to confirm the new trial date.

Dated: March 9, 2023

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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